

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
N/S Chesaco Avenue, 443' S of * DEPUTY ZONING COMMISSIONER
Patapsco Avenue (Lots 484 - 489 * OF BALTIMORE COUNTY
and 414A - 417A of Chesaco Park)
15th Election District
7th Councilmanic District
Francis D. Mull, et ux * Case No. 92-496-A
Petitioners *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Zoning Variance filed by the legal owners of the subject property, Francis D. and Patricia M. Mull, in which the Petitioners request relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 20 feet in lieu of the required 30 feet for a proposed dwelling in accordance with Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Francis and Patricia Mull, and Laura M. Mehiel, Engineer. There were no Protestants.

Testimony indicated that the subject property, known as Lots 484 through 489 and Lots 414A, 415A, 416A and 417A of Chesaco Park, consists of a combined area of .55 acres zoned D.R. 5.5 and is currently unimproved. Said property is located within the Chesapeake Bay Critical Areas near Northeast Creek. The Petitioners are desirous of developing the property with a two-story single family dwelling in accordance with Petitioner's Exhibit 1. Testimony indicated that the Petitioners purchased Lots 484 through 489 of the subject property in 1961 and at that time, the property was landlocked. In 1988, the Petitioners purchased the adjacent Lots 414A, 415A, 416A and 417A to gain access to Chesaco Avenue. Testimony indicated that due to the fact that a stream traverses the property, the

proposed dwelling will be located approximately 5 feet from the rear yard property line. The Petitioners testified that they have filed a request with the Department of Public Works to close the paper street located to the rear of the subject site which will subsequently add another 15 feet of land to the rear of their property and provide a 20-foot setback to the rear property line. The Petitioners received tentative approval from the Department of Environmental Protection and Resource Management (DEPRM) as evidenced by comments dated June 28, 1990; however, the granting of the relief requested herein shall be contingent upon Petitioners' compliance with any recommendations made by DEPRM upon completion of their review.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

ORDER RECEIVED FOR FILING
Date 8/14/92
By [Signature]

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

- 2 -

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 10th day of August, 1992 that the Petition for Zoning Variance requesting relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 20 feet in lieu of the required 30 feet for a proposed dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) The relief granted herein is subject to the approval of the Petitioners' request before the Balti-

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Date 8/14/92
By [Signature]

- 3 -

more County's Department of Public Works to close the paper road located to the rear of the subject property and the Petitioners obtaining an additional 15 feet of land to add to the rear of their property. Upon completion of this land transfer, the Petitioners shall have recorded among the Land Records of Baltimore County a new deed referencing this case and incorporating the conditions and restrictions of the relief granted herein. A copy of the recorded deed shall be forwarded to the Zoning Commissioner's Office for inclusion in the case file, prior to the issuance of any occupancy permits.

3) The relief granted herein is further subject to the Petitioners' compliance with any and all recommendations made by DEPRM upon completion of their review.

4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this order.

[Signature]
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:hjs

ORDER RECEIVED FOR FILING
Date 8/14/92
By [Signature]

- 4 -

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3.C.1 to permit a rear yard setback of 20 feet in lieu of the required 30 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

(see attached)

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Legal Owner(s):

Francis D. Mull

Francis D. Mull

Patricia M. Mull

Patricia M. Mull

6405 Golden Ring Rd. 21237

Baltimore, MD 21237

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Laura M. Mehiel - PE

2202 E. Magnolia Woods Ct. Edmond 21040

Address Phone No.

ORDER RECEIVED FOR FILING
Date 8/14/92
By [Signature]

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the _____ day of _____, 19____, at _____ o'clock _____ M.

Zoning Commissioner of Baltimore County.

(over)

ORDER RECEIVED FOR FILING
Date 8/14/92
By [Signature]

We conclude with the statement that if we do not receive the zoning variance for the reduced rear yard setback, we will not be able to build a house on a property we have owned and paid taxes on for over thirty years.

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

August 10, 1992

(410) 887-4386

Mr. & Mrs. Francis D. Mull
6405 Golden Ring Road
Baltimore, Maryland 21237

RE: PETITION FOR ZONING VARIANCE
N/S Chesaco Avenue, 443' S of Patapsco Avenue
(Lots 484 thru 489 and Lots 414A, 415A & 416A of Chesaco Park)
15th Election District - 7th Councilmanic District
Francis D. Mull, et ux - Petitioners
Case No. 92-496-A

Dear Mr. & Mrs. Mull:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3351.

Very truly yours,

[Signature]

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:hjs

cc: Chesapeake Bay Critical Areas Commission
45 Calvert Street, 2nd Floor, Annapolis, Md. 21401

DEPRM

People's Counsel

File

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 7-12 Date of Posting: 7/12/92
Posted for: Francis D. Mull
Petitioner: Francis D. Mull
Location of property: 32-496-A, 443' S of Patapsco Avenue
Location of Sign: 32-496-A, 443' S of Patapsco Avenue
Remarks: Without
Posted by: Signature Date of return: 7/14/92
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 7/12, 1992
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 7/12, 1992

THE JEFFERSONIAN,

S. Zeke Orlem
Publisher

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Account: R-001-6150
Number
CRITICAL
6/16/92
PUBLIC HEARING FEE: \$100.00
OIO - ZONING VARIANCE CHRG: \$100.00
TOTAL: \$200.00
LAST NAME OF OWNER: MULL

Please Make Check Payable to Baltimore County \$50.00
BA 0012:08PH06-16-92

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Date: 7/23/92
Account: R-001-6150
Number
92-496
PUBLIC HEARING FEE: \$100.00
OIO - POSTING SIGNS - AT PETITIONER'S EXP: \$25.32
TOTAL: \$125.32
LAST NAME OF OWNER: MULL

09A04M0120NCHRC
Please Make Check Payable to Baltimore County \$25.32

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

DATE: 7-10-92

Francis and Patricia Mull
6405 Golden Ring Road
Baltimore, Maryland 21237

RE:

32-496-A (Item 526)
N/S Chesapeake Avenue, 443' S of Patapsco Avenue
(no address)
15th Election District - 7th Councilmanic
Petitioner(s): Francis and Patricia Mull
HEARING: MCDARY, AUGUST 3, 1992 at 10:00 a.m. in Rm. 118, Courthouse.

Dear Petitioner(s):

Please be advised that \$ 65.32 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

Carl John

ARNOLD JARLOW
DIRECTOR

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Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

JULY 1, 1992

NOTICE OF HEARING

The Zoning Commissioners of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 at

Room 118, Old Courthouse, 999 Washington Avenue, Towson, Maryland 21204 as follows:

32-496-A (Item 526)
N/S Chesapeake Avenue, 443' S of Patapsco Avenue
(no address)
15th Election District - 7th Councilmanic
Petitioner(s): Francis and Patricia Mull
HEARING: MCDARY, AUGUST 3, 1992 at 10:00 a.m. in Rm. 118, Courthouse.

Variance to permit a rear yard setback of 20 feet in lieu of the required 30 feet.

Lawrence E. Schmidt
Lawrence E. Schmidt

Zoning Commissioner of
Baltimore County

cc: Francis and Patricia Mull
Laura Nehiel

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

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111 West Chesapeake Avenue
Towson, MD 21204

July 28, 1992

(410) 887-3353

Mr. & Mrs. Francis D. Mull
6405 Golden Ring Road
Baltimore, MD 21237

RE: Item No. 526, Case No. 92-496-A
Petitioner: Francis D. Mull, et ux
Petition for Zoning Variance

Dear Mr. & Mrs. Mull:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Your petition has been received and accepted for filing this
16th day of June, 1992

Carl John
ARNOLD JARLOW
DIRECTOR

Received By:

W. Carl Richards Jr.
Chairman,
Zoning Plans Advisory Committee

Petitioner: Francis D. Mull, et ux

Petitioner's Attorney:

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DPW/Developers Engineering Division (Public Services)
Development Review Committee Response Form
Authorized signature: Robert J. Bowling Date: 7/6/92

Project Name: Stonegate at Patapsco (Azeal Property)
File Number: 50476 Waiver Number: TE Zoning Issue: Waiting for developer to submit plans first Meeting Date: 6-1-92

50476
ZON DED TE (Waiting for developer to submit plans first) 6-1-92

COUNT 1

Rita M. and Edward R. Raab, Sr.	514	W/C	6-29-92
DED DEPRM RP STP TE			
✓ Jeffrey J. and Deanna L. Deegan	523	N/C	
DED DEPRM RP STP TE			
✓ Charles M. and Virginia H. Loane	524	N/C	
DED DEPRM RP STP TE			
✓ Herschel and Ruth Polakoff	525	N/C	
DED DEPRM RP STP TE			
✓ Francis D. and Patricia M. Mull	526	N/C	
DED DEPRM RP STP TE			
✓ RMS Nominee, Inc.	527	W/C	
DED DEPRM RP STP TE			
✓ Juanita L. Cottrell	529	N/C	
DED DEPRM RP STP TE			
✓ The Middle River Baptist Church	530	N/C	
DED DEPRM RP STP TE			
✓ Merritt E. and Joann R. Olsen	531	N/C	
DED DEPRM RP STP TE			
✓ Michael J. and Eugenia G. Zavodny	532	W/C	
DED DEPRM RP STP TE			
Baltimore County - Southwestern Bell Mobile Systems	533		
DED DEPRM RP STP TE			

DPW/Traffic Engineering
Development Review Committee Response Form
Authorized signature: Robert J. Bowling Date: 7/6/92

Project Name: Stonegate at Patapsco (Azeal Property)
File Number: 50476 Waiver Number: TE Zoning Issue: Waiting for developer to submit plans first Meeting Date: 6-1-92

50476
ZON DED TE (Waiting for developer to submit plans first) 6-1-92

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✓ Charles M. and Virginia H. Loane	524	N/C	
DED DEPRM RP STP TE			
✓ Herschel and Ruth Polakoff	525	N/C	
DED DEPRM RP STP TE			
✓ Francis D. and Patricia M. Mull	526	N/C	
DED DEPRM RP STP TE			
✓ RMS Nominee, Inc.	527	W/C	
DED DEPRM RP STP TE			
✓ Juanita L. Cottrell	529	N/C	
DED DEPRM RP STP TE			
✓ The Middle River Baptist Church	530	W/C	
DED DEPRM RP STP TE			
✓ Merritt E. and Joann R. Olsen	531	N/C	
DED DEPRM RP STP TE			
✓ Michael J. and Eugenia G. Zavodny	532	N/C	
DED DEPRM RP STP TE			
Baltimore County - Southwestern Bell Mobile Systems	533		
DED DEPRM RP STP TE			

6703-92
7/1/92
BALTIMORE COUNTY, MARYLAND
OFFICE OF PLANNING AND ZONING
New Courts Building
401 Bosley Avenue
Towson, MD 21204

MEMORANDUM

TO: Arnold Jablon, Director - Zoning Administration & Development Management

FROM: Ervin McDaniel, Chief Development Review Section
Office of Planning and Zoning

DATE: June 30, 1992

SUBJECT: PETITIONS FROM ZONING ADVISORY COMMITTEE - June 29, 1992

The Office of Planning and Zoning has no comments on the following petitions:

Edward & Rita Raab - Item 514
Jeffrey & Deanna Deegan - Item 523
Charles & Virginia Loane - Item 524
Herschel & Ruth Polakoff - Item 525
Francis Mull - Item 526
Juanita Cottrell - Item 529
Middle River Baptist Church - Item 530
Merritt & Joann Olsen - Item 531
Michael & Eugenia Zavodny - Item 532

If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning and Zoning at 887-3211.

RECEIVED
JUL 7 1992
ZONING OFFICE

6703-92
7/1/92
BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and Development Management

FROM: J. Lawrence Pilson, Development Coordinator, DEPRM

SUBJECT: Zoning Item 526
N/S Chesaco Avenue, 443' S. of Patapsco Avenue
Zoning Advisory Committee Meeting of June 29, 1992

DATE: July 10, 1992

The Department of Environmental Protection and Resource Management requests an extension for the review of the above referenced zoning item to determine whether the proposed development is in compliance with the Chesapeake Bay Critical Area Regulations. The applicant must submit a Critical Area Findings Plan for review and approval by this Department prior to preparation of a Critical Area Findings for the development. The applicant may contact the Environmental Impact Review Division of the Department at 887-2904 for details.

JLP:sp

JABLON/S/TXTSBR

RECEIVED
JUL 14 1992
ZONING OFFICE

6703-92
7/1/92
Baltimore County Government
Fire Department

700 East Joppa Road, Suite 901
Towson, MD 21204-5500

JUNE 25, 1992 (410) 887-4500

Arnold Jablon
Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: FRANCIS D. MULL AND M. MULL
Location: NO ADDRESS
Item No.: 526 (JLL) Zoning Agenda: JUNE 29, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: Noted and Approved
Planning Bureau Fire Prevention Bureau
Special Inspection Division

JP/KEK

RECEIVED
JUN 29 1992
ZONING OFFICE

6703-92
7/1/92
Department of Recreation and Parks
Development Review Committee Response

Authorized Signatory: Walter K...

Project Name: Site H. and Edward R. Raab, Jr.
File Number: 514
DED DEPRM RE SITE TE No Comment

Project Name: Jeffrey & Deanna L. Deegan
File Number: 523
DED DEPRM RE SITE TE No Comment

Project Name: Charles M. and Virginia H. Loane
File Number: 524
DED DEPRM RE SITE TE No Comment

Project Name: Herschel and Ruth Polakoff
File Number: 525
DED DEPRM RE SITE TE No Comment

Project Name: Francis Mull
File Number: 526
DED DEPRM RE SITE TE No Comment

Project Name: Juanita L. Cottrell
File Number: 529
DED DEPRM RE SITE TE No Comment

Project Name: The Middle River Baptist Church
File Number: 530
DED DEPRM RE SITE TE No Comment

Project Name: Merritt E. and Joann K. Olsen
File Number: 531
DED DEPRM RE SITE TE No Comment

Project Name: Michael J. and Eugenia G. Zavodny
File Number: 532
DED DEPRM RE SITE TE No Comment

Project Name: Baltimore County - Southwestern Bell Mobile Systems
File Number: 533
DED DEPRM RE SITE TE No Comment

COUNT 11

6703-92
7/1/92
BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold E. Jablon, Director
Office of Zoning Administration and Development Management

FROM: J. James Dieter

SUBJECT: Petition for Zoning Variance - Item 526
Mull Property - Chesapeake Bay Critical Area Findings

DATE: August 13, 1992

SITE LOCATION

The subject property is located on Chesaco Avenue. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME Mr. and Mrs. Francis Mull

APPLICANT PROPOSAL

The applicant has requested a variance from section 1802.3.C1 of the Baltimore County Zoning Regulations to permit a rear yard setback of 20 feet in lieu of the required 30 feet.

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts." <COMAR 14.15.10.01.02>

REGULATIONS AND FINDINGS

Regulation:

"(b) All roads, bridges, and utilities that must cross a Habitat Protection Area shall be located, designed, constructed, and maintained so as to provide maximum erosion protection and minimize

Mr. Arnold E. Jablon
August 13, 1992
Page 2

negative impacts to wildlife, aquatic life and their habitats and maintain hydrologic processes and water quality. Roads, bridges, or utilities may not be located in any Habitat Protection Area unless no feasible alternative exists.

(c) All development activities that must cross or affect streams shall be designed to:

- (i) Reduce increases in flood frequency and severity that are attributable to development;
- (ii) Retain tree canopy so as to maintain stream water temperature within normal variation;
- (iii) Provide a natural substrate for streambeds; and
- (iv) Minimize adverse water quality and quantity impacts of stormwater." <COMAR 14.15.04.C.1>

Findings:

This project proposes to construct a new single family dwelling with a 150 foot access driveway. The proposed house is located outside the Critical Area. However, the access driveway is mostly within the Critical Area and also crosses a stream. An alternatives analysis has been previously submitted and approved by the Department to allow the crossing of the stream. This design minimizes adverse impacts to the water quality of the stream and therefore meets the requirements outlined above. A planting plan is required for the stream buffer area and must be approved prior to release of the building permit.

CONCLUSION

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above. This proposal does comply with Chesapeake Bay Critical Area Regulations and is therefore approved. If there are any questions, please contact Ms. Patricia M. Farr at 887-2904.

JJD:SP:ju

c: Mr. and Mrs. Francis Mull

MULL/TXTNNS

RECEIVED
AUG 25 1992
ZONING OFFICE

JUN-28-'90 THU 14:25 ID: BALTIMORE CO TEL NO:381 887-334 #725 P02
92-496 A 526

Baltimore County
Department of Environmental Protection & Resource Management
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
(301) 887-3783

Robert W. Sheesley
Director

June 28, 1990

Mr. Francis D. Mull
5405 Golden Ring Road
Baltimore, Maryland 21237

Re: Chesaco Park Lots - Mull Property - Variance Request

Dear Mr. Mull:

A request for a variance of the Executive Order Baltimore County, Maryland, Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains, was received by the Department of Environmental Protection and Resource Management on January 10, 1990. An addendum to that variance request was submitted on April 30, 1990.

The original request proposed a 20 to 50 foot forest buffer in lieu of the required 75 foot buffer and a zero setback in lieu of the required 35 foot setback. Mr. Rocky Powell of this Department met with you on April 18, 1990 to discuss that request. He explained that our Department could not support the variance request as submitted and suggested modifications. Subsequently, you submitted the addendum dated April 30, 1990.

This new request proposed that you will:

1. Maintain a 50 foot forest buffer from the stream centerline, both sides, in which there will be no future disturbances.
2. Maintain a 30 to 35 foot residential setback from the stream forest buffer in which there can be grading, mowing, etc. but no structure (house) is allowed.
3. Relocate the proposed driveway crossing of the stream approximately 50 feet to the east from its original proposed location, where the stream appears to be at its shallowest, and the existing trees to be disturbed will be at a minimum.
4. Locate the proposed utility crossings (water and sewer) of the stream at the driveway.
5. Plant trees along the buffer as part of mitigation for the reduced buffer width.

JUN-28-'90 THU 14:25 ID: BALTIMORE CO TEL NO:381 887-334 #725 P03
92-496 A 526

Mr. Francis D. Mull
June 28, 1990
Page 2

The revised plan submitted with this addendum reflects the conditions outlined above.

This Department will grant the variance with the above outlined conditions as requirements of that approval.

We are aware that to meet these requirements necessitates a request of zoning variances for setback requirements for both proposed dwellings. It is our determination that the conditions outlined are the minimum acceptable to this Department and must be met for approval of the variance from the forest buffer standards. Therefore, this letter constitutes our support of the request for zoning variances that will allow you to meet these conditions.

If you have any questions regarding this variance request, please contact Mr. Rocky Powell at 887-3980.

Very truly yours,
Robert W. Sheesley
Director

RWS:ROP:tjg

92-496A 426
This Deed Made this 10th day of December in the year one thousand nine hundred and thirty by and between Cityco Realty Company of Baltimore City a body corporate of Baltimore City in the State of Maryland hereinafter called the Grantor and Union Trust Company of Maryland a body corporate of the State of Maryland hereinafter called the Grantee
Witnesseth that in consideration of the sum of five dollars (\$5.00) and other valuable considerations this day paid the receipt whereof is hereby acknowledged the Grantor does hereby grant and convey unto the Grantee its successors and assigns all those fourteen lots of ground situate lying and being southeast of Chesaco Ave and southwest and northeast of Chester Ave in the Fifteenth Election District of Baltimore County Maryland and being lots numbers 409-409-10-411-475-476-477-478-479-480-481-482-483 and 595 as laid out on the plat of Chesaco Park Plan D Sheet 1 and recorded among the Land Records of Baltimore County in plat book W.P.C. 6 folio 164
Together with all and every the rights appurtenant to the said lots and all the rights and advantages to the same belonging or in anywise appertaining
To have and to hold the said parcels of ground and premises above described and mentioned and hereby intended to be conveyed unto and to the proper use and benefit of the said Union Trust Company of Maryland its successors and assigns forever full the residue of the term of years yet to come and unexpired therein with the benefit of renewal forever free clear and discharged from the payment of any rent by virtue of the deed from the Baltimore & Ohio Railroad Company to Clayton M. Kierich dated the 3rd day of December 1893 and recorded among the Land Records of Baltimore County in Liber L.M.B. No. 200 folio 595 subject to the restrictions hereinafter mentioned
All as outlined in red upon the blue print dated November 13 1930 attached hereto and made part hereof
To have with the right to erect and maintain electrical transmission lines on the aforesaid parcels of land and over the southwesterly corners of lots numbers 412-474 and 104 as laid out on the above mentioned plat of Chesaco Park including the necessary towers structures wires cables attachments appliances and ground wire counterpoises beneath the surface of the land and the right to enter upon the said parcels of land using existing roads on adjoining property of the Grantor for the purpose of construction patrol repair and maintenance work connected with the transmission lines and also the right to cut down and remove and keep out all trees and brush upon the Grantors property adjoining the said parcels of land which might at any time interfere with or be liable to interfere with or fall upon the transmission lines the said southwesterly corners of lots numbers 412-474 and 104 being outlined in yellow and designated A B and C on blue print dated November 13 1930 attached hereto and made part hereof
The southwesterly corners of the above described lots numbers 412-474 and 484 may be used by the Grantee its successors or assigns in any manner which does not interfere with the transmission lines and the proper maintenance thereof but no buildings or structures of any kind are to be erected within the above described portions of said three parcels
And the said Grantor hereby covenants that it has not done or suffered to be done any act matter or thing whatsoever to encumber the property hereby conveyed that it will warrant specially the property granted and that it will execute such further assurances of the same as may be requisite

92-496A 426
This Deed Made this 10th day of December in the year one thousand nine hundred and thirty by and between Charles I. Trovinger and Avia E. Trovinger, his wife of Baltimore County in the State of Maryland, of the first part and Francis Dean Mull and Patricia May Mull, his wife of the second part
Witnesseth, that in consideration of the sum of Five (\$5.00) dollars and other good and valuable considerations the said Charles I. Trovinger and Avia E. Trovinger, his wife do grant and convey unto the said Francis Dean Mull and Patricia May Mull, his wife as tenants by the entirety, their heirs and assigns, in fee simple, all those lot of the ground, situate, lying and being in Baltimore County, aforesaid, and described as follows, that is to say:-
Beginning and comprising all those six lots of ground, shown and designated as Lots Nos. 484, 485, 486, 487, 489, and 490 as laid out on Sheet No. One, Plan D, of Chesaco Park, recorded among the Land Records of Baltimore County in Liber W.P.C. No. 6, folio 164.
Lot No. 484 hereinbefore mentioned being subject to an Easement from Cityco Realty Company of Baltimore City to the Union Trust Company of Baltimore City, as set forth in the Deed, dated December 11, 1930, Liber L.M.B.M. No. 866 folio 168, granting the right to erect and maintain Electrical Transmission Lines over the northwesterly corner of said Lot.
BEING part of the land described in a Deed dated June 23, 1949 and recorded among the Land Records of Baltimore County in Liber W.B.S. No. 1751 folio 510 which was granted and conveyed by John A. Irvin and Marie Irvin, his wife, unto the herein grantors.

PLEASE PRINT CLEARLY

NAME	ADDRESS
Francis Mull	6405 Golden Ring Rd Baltimore, MD 21232
Patricia Mull	6405 Golden Ring Rd Baltimore, MD 21232
Laura Mull	20017 1 Magnolia Ave Edgewater, MD 21040

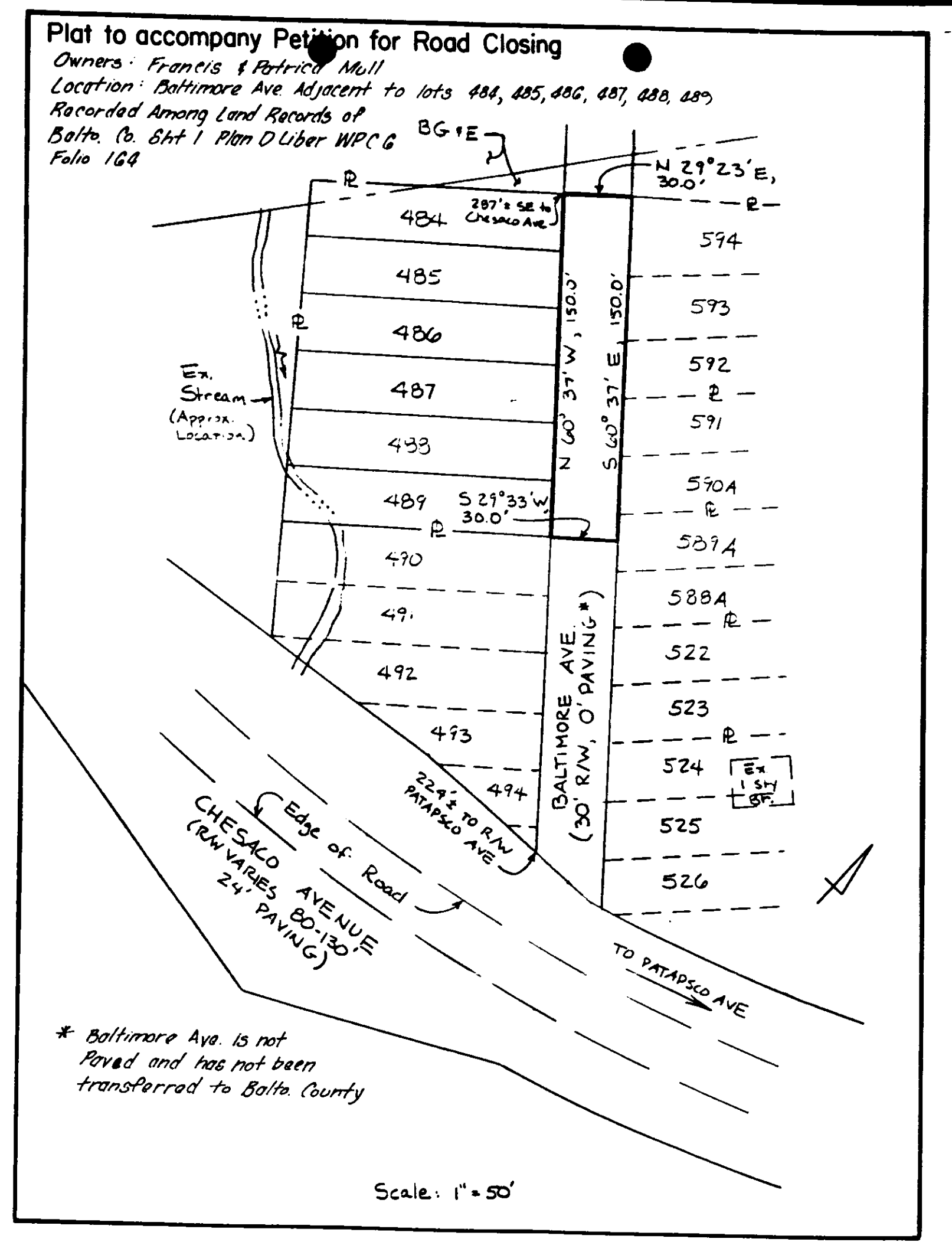
92-496A



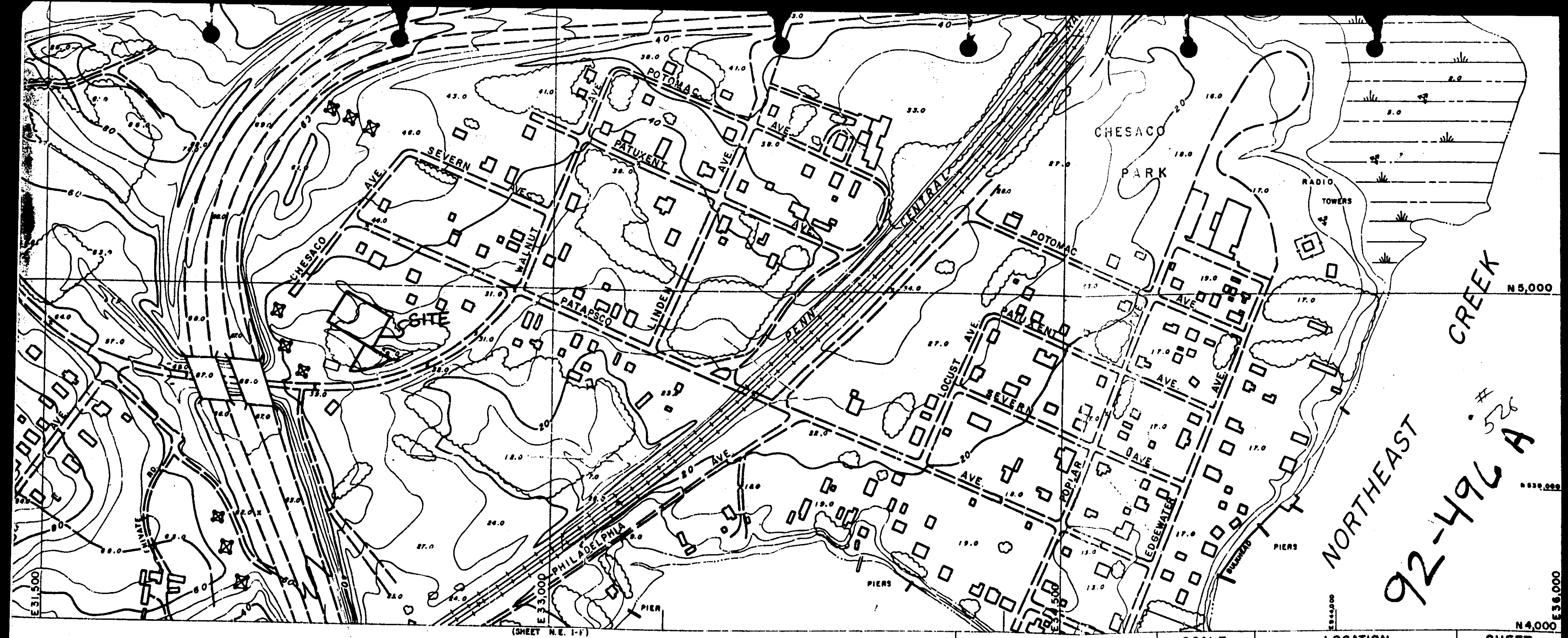
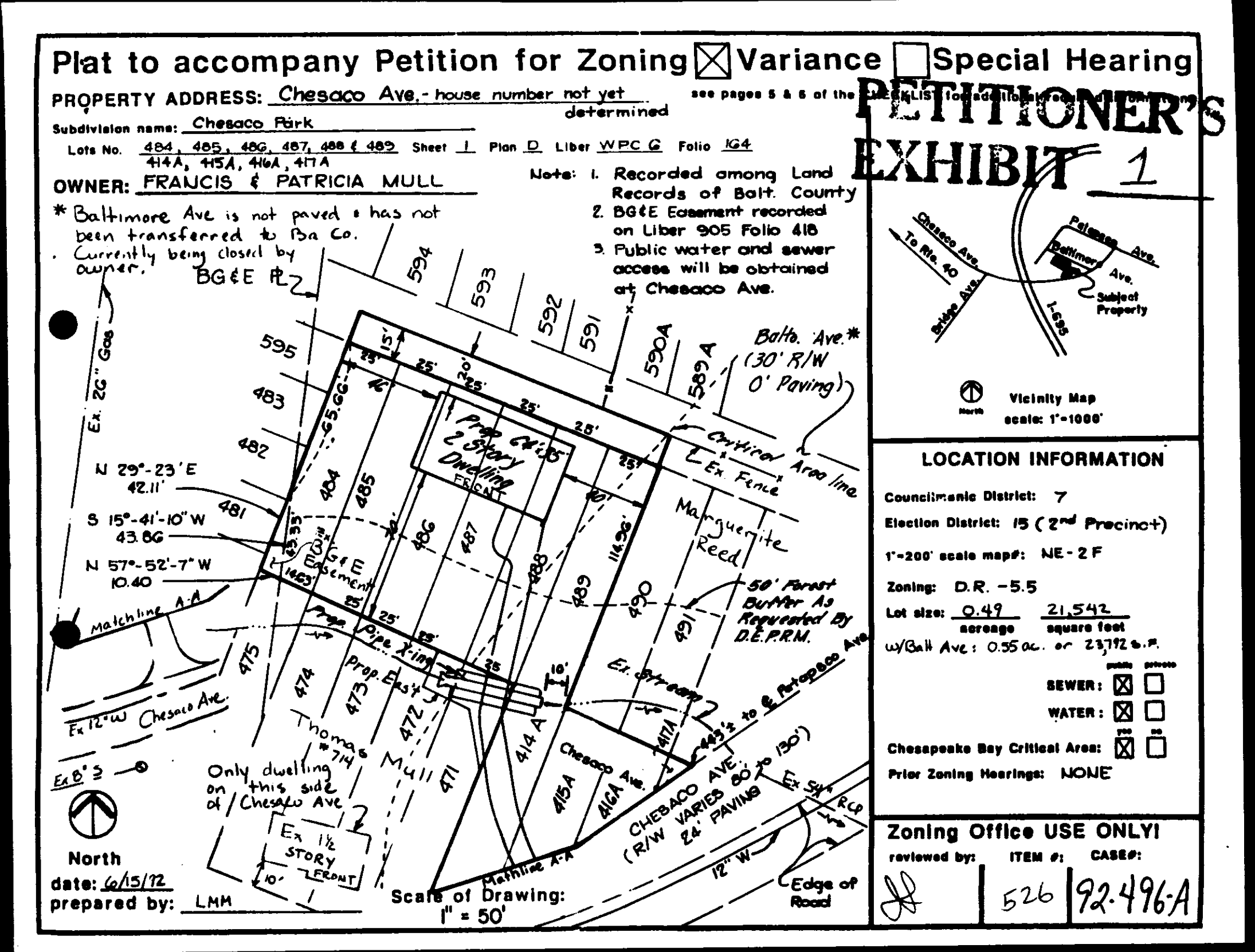
PHOTO # 1: SITE OF PROPOSED DWELLING ON NORTH LOT



PHOTO # 2: EXTENT OF EXISTING TREE BUFFER ON NORTH LOT BEYOND STREAM BANK (7 TREES)



ATTACHMENT 3a



PHOTOGRAMMETRIC MAP OF BALTIMORE COUNTY METROPOLITAN AREA

REVISIONS	SCALE	LOCATION	SHEET
BY DATE	1" = 200'	CHESACO PARK	N.E. 2-F
DATE OF PHOTOGRAPHY			
APRIL 18, 1972			

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
N/S Chesaco Avenue, 443' S of * DEPUTY ZONING COMMISSIONER
Patapsco Avenue (Lots 484 - 489 * OF BALTIMORE COUNTY
and 414A - 417A of Chesaco Park)
15th Election District
7th Councilmanic District
Francis D. Mull, et ux * Case No. 92-496-A
Petitioners *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Zoning Variance filed by the legal owners of the subject property, Francis D. and Patricia M. Mull, in which the Petitioners request relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 20 feet in lieu of the required 30 feet for a proposed dwelling in accordance with Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Francis and Patricia Mull, and Laura M. Mehiel, Engineer. There were no Protestants.

Testimony indicated that the subject property, known as Lots 484 through 489 and Lots 414A, 415A, 416A and 417A of Chesaco Park, consists of a combined area of .55 acres zoned D.R. 5.5 and is currently unimproved. Said property is located within the Chesapeake Bay Critical Areas near Northeast Creek. The Petitioners are desirous of developing the property with a two-story single family dwelling in accordance with Petitioner's Exhibit 1. Testimony indicated that the Petitioners purchased Lots 484 through 489 of the subject property in 1961 and at that time, the property was landlocked. In 1988, the Petitioners purchased the adjacent Lots 414A, 415A, 416A and 417A to gain access to Chesaco Avenue. Testimony indicated that due to the fact that a stream traverses the property, the

proposed dwelling will be located approximately 5 feet from the rear yard property line. The Petitioners testified that they have filed a request with the Department of Public Works to close the paper street located to the rear of the subject site which will subsequently add another 15 feet of land to the rear of their property and provide a 20-foot setback to the rear property line. The Petitioners received tentative approval from the Department of Environmental Protection and Resource Management (DEPRM) as evidenced by comments dated June 28, 1990; however, the granting of the relief requested herein shall be contingent upon Petitioners' compliance with any recommendations made by DEPRM upon completion of their review.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

ORDER RECEIVED FOR FILING
Date
By

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

- 2 -

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 10th day of August, 1992 that the Petition for Zoning Variance requesting relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 20 feet in lieu of the required 30 feet for a proposed dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) The relief granted herein is subject to the approval of the Petitioners' request before the Balti-

ORDER RECEIVED FOR FILING
Date
By

- 3 -

more County's Department of Public Works to close the paper road located to the rear of the subject property and the Petitioners obtaining an additional 15 feet of land to add to the rear of their property. Upon completion of this land transfer, the Petitioners shall have recorded among the Land Records of Baltimore County a new deed referencing this case and incorporating the conditions and restrictions of the relief granted herein. A copy of the recorded deed shall be forwarded to the Zoning Commissioner's Office for inclusion in the case file, prior to the issuance of any occupancy permits.

3) The relief granted herein is further subject to the Petitioners' compliance with any and all recommendations made by DEPRM upon completion of their review.

4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this order.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:hjs

ORDER RECEIVED FOR FILING
Date
By

- 4 -

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3.C.1 to permit a rear yard setback of 20 feet in lieu of the required 30 feet

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

(see attached)

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Legal Owner(s):

Francis D. Mull
(Type or Print Name)

Francis D. Mull
Signature

Patricia M. Mull
(Type or Print Name)

Patricia M. Mull
Signature

6405 Golden Ring Rd. 21237
Address Phone No.

Baltimore, MD 21237
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Laura M. Mehiel - PE
Name

2202 E. Magnolia Woods Ct. Edmond 21040
Address Phone No.

ORDER RECEIVED FOR FILING
Date
By

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day

of _____ 19____, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the _____ day of _____, 19____, at _____ o'clock _____ M.

Zoning Commissioner of Baltimore County.

(over)

ORDER RECEIVED FOR FILING
Date
By

We conclude with the statement that if we do not receive the zoning variance for the reduced rear yard setback, we will not be able to build a house on a property we have owned and paid taxes on for over thirty years.

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

August 10, 1992

(410) 887-4386

Mr. & Mrs. Francis D. Mull
6405 Golden Ring Road
Baltimore, Maryland 21237

RE: PETITION FOR ZONING VARIANCE
N/S Chesaco Avenue, 443' S of Patapsco Avenue
(Lots 484 thru 489 and Lots 414A, 415A & 416A of Chesaco Park)
15th Election District - 7th Councilmanic District
Francis D. Mull, et ux - Petitioners
Case No. 92-496-A

Dear Mr. & Mrs. Mull:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3351.

Very truly yours,

Timothy M. Kotroco

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:hjs

cc: Chesapeake Bay Critical Areas Commission
45 Calvert Street, 2nd Floor, Annapolis, Md. 21401

DEPRM

People's Counsel

File

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 712 Date of Posting: 7/12/92
Posted for: Francis D. Mull
Petitioner: Francis D. Mull
Location of property: 32-496-A, 443' S of Patapsco Avenue
Location of Sign: 32-496-A, 443' S of Patapsco Avenue
Remarks: Without
Posted by: Signature Date of return: 7/14/92
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 7/12, 1992
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 7/12, 1992

THE JEFFERSONIAN,

S. Zeke Orlem
Publisher

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Account: R-001-6150
Number
CRITICAL
6/16/92
PUBLIC HEARING FEE: \$100.00
010 - ZONING VARIANCE CHRG: \$100.00
LAST NAME OF OWNER: MULL

Please Make Check Payable to Baltimore County \$50.00
BA 0012:08PH06-16-92

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Date: 7/23/92
PUBLIC HEARING FEE: \$100.00
010 - POSTING SIGNS - AT PETITIONER'S: \$45.32
TOTAL: \$145.32
LAST NAME OF OWNER: MULL

09A04M0120NCHRC
Please Make Check Payable to Baltimore County \$45.32

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

DATE: 7-10-92

Francis and Patricia Mull
6405 Golden Ring Road
Baltimore, Maryland 21237

RE:

32-496-A (Item 526)
N/S Chesaco Avenue, 443' S of Patapsco Avenue
(no address)
15th Election District - 7th Councilmanic
Petitioner(s): Francis and Patricia Mull
HEARING: MCDARY, AUGUST 3, 1992 at 10:00 a.m. in Rm. 118, Courthouse.

Dear Petitioner(s):

Please be advised that \$ 45.32 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

Carl John

ARNOLD JARLOW
DIRECTOR

Printed on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

JULY 1, 1992

NOTICE OF HEARING

The Zoning Commissioners of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 at

Room 118, Old Courthouse, 999 Washington Avenue, Towson, Maryland 21204 as follows:

32-496-A (Item 526)
N/S Chesaco Avenue, 443' S of Patapsco Avenue
(no address)
15th Election District - 7th Councilmanic
Petitioner(s): Francis and Patricia Mull
HEARING: MCDARY, AUGUST 3, 1992 at 10:00 a.m. in Rm. 118, Courthouse.

Variance to permit a rear yard setback of 20 feet in lieu of the required 30 feet.

Lawrence E. Schmidt
Lawrence E. Schmidt

Zoning Commissioner of
Baltimore County

cc: Francis and Patricia Mull
Laura Nehiel

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

Printed on Recycled Paper

111 West Chesapeake Avenue
Towson, MD 21204

July 28, 1992

(410) 887-3353

Mr. & Mrs. Francis D. Mull
6405 Golden Ring Road
Baltimore, MD 21237

RE: Item No. 526, Case No. 92-496-A
Petitioner: Francis D. Mull, et ux
Petition for Zoning Variance

Dear Mr. & Mrs. Mull:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Your petition has been received and accepted for filing this
16th day of June, 1992

Carl John
ARNOLD JARLOW
DIRECTOR

Received By:

W. Carl Richards Jr.
Chairman,
Zoning Plans Advisory Committee

Petitioner: Francis D. Mull, et ux

Petitioner's Attorney:

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DPW/Developers Engineering Division (Public Services)
Development Review Committee Response Form
Authorized signature: Robert J. Bowling Date: 7/6/92

Project Name: Stonegate at Patapsco (Azeal Property)
File Number: 50476 Waiver Number: TE Zoning Issue: Waiting for developer to submit plans first Meeting Date: 6-1-92

50476
ZON DED TE (Waiting for developer to submit plans first) 6-1-92

COUNT 1

Rita M. and Edward R. Raab, Sr.	514	W/C	6-29-92
DED DEPRM RP STP TE			
✓ Jeffrey J. and Deanna L. Deegan	523	N/C	
DED DEPRM RP STP TE			
✓ Charles M. and Virginia H. Loane	524	N/C	
DED DEPRM RP STP TE			
✓ Herschel and Ruth Polakoff	525	N/C	
DED DEPRM RP STP TE			
✓ Francis D. and Patricia M. Mull	526	N/C	
DED DEPRM RP STP TE			
✓ RMS Nominee, Inc.	527	W/C	
DED DEPRM RP STP TE			
✓ Juanita L. Cottrell	529	N/C	
DED DEPRM RP STP TE			
✓ The Middle River Baptist Church	530	N/C	
DED DEPRM RP STP TE			
✓ Merritt E. and Joann R. Olsen	531	N/C	
DED DEPRM RP STP TE			
✓ Michael J. and Eugenia G. Zavodny	532	W/C	
DED DEPRM RP STP TE			
Baltimore County - Southwestern Bell Mobile Systems	533		
DED DEPRM RP STP TE			

DPW/Traffic Engineering
Development Review Committee Response Form
Authorized signature: Robert J. Bowling Date: 7/6/92

Project Name: Stonegate at Patapsco (Azeal Property)
File Number: 50476 Waiver Number: TE Zoning Issue: Waiting for developer to submit plans first Meeting Date: 6-1-92

50476
ZON DED TE (Waiting for developer to submit plans first) 6-1-92

COUNT 1

Rita M. and Edward R. Raab, Sr.	514	W/C	6-29-92
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✓ Jeffrey J. and Deanna L. Deegan	523	N/C	
DED DEPRM RP STP TE			
✓ Charles M. and Virginia H. Loane	524	N/C	
DED DEPRM RP STP TE			
✓ Herschel and Ruth Polakoff	525	N/C	
DED DEPRM RP STP TE			
✓ Francis D. and Patricia M. Mull	526	N/C	
DED DEPRM RP STP TE			
✓ RMS Nominee, Inc.	527	W/C	
DED DEPRM RP STP TE			
✓ Juanita L. Cottrell	529	N/C	
DED DEPRM RP STP TE			
✓ The Middle River Baptist Church	530	W/C	
DED DEPRM RP STP TE			
✓ Merritt E. and Joann R. Olsen	531	N/C	
DED DEPRM RP STP TE			
✓ Michael J. and Eugenia G. Zavodny	532	N/C	
DED DEPRM RP STP TE			
Baltimore County - Southwestern Bell Mobile Systems	533		
DED DEPRM RP STP TE			

6703-92
JUN 14 1992

BALTIMORE COUNTY, MARYLAND

OFFICE OF PLANNING AND ZONING
New Courts Building
401 Bosley Avenue
Towson, MD 21204

MEMORANDUM

TO: Arnold Jablon, Director - Zoning Administration & Development Management

FROM: Ervin McDaniel, Chief Development Review Section
Office of Planning and Zoning

DATE: June 30, 1992

SUBJECT: PETITIONS FROM ZONING ADVISORY COMMITTEE - June 29, 1992

The Office of Planning and Zoning has no comments on the following petitions:

Edward & Rita Raab - Item 514
Jeffrey & Deanna Deegan - Item 523
Charles & Virginia Loane - Item 524
Herschel & Ruth Polakoff - Item 525
Francis Mull - Item 526
Juanita Cottrell - Item 529
Middle River Baptist Church - Item 530
Merritt & Joann Olsen - Item 531
Michael & Eugenia Zavodny - Item 532

If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning and Zoning at 887-3211.

RECEIVED
JUL 7 1992
ZONING OFFICE

6703-92
JUN 14 1992

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and Development Management

FROM: J. Lawrence Pilson, Development Coordinator, DEPRM

SUBJECT: Zoning Item 526
N/S Chesaco Avenue, 443' S. of Patapsco Avenue
Zoning Advisory Committee Meeting of June 29, 1992

DATE: July 10, 1992

The Department of Environmental Protection and Resource Management requests an extension for the review of the above referenced zoning item to determine whether the proposed development is in compliance with the Chesapeake Bay Critical Area Regulations. The applicant must submit a Critical Area Findings Plan for review and approval by this Department prior to preparation of a Critical Area Findings for the development. The applicant may contact the Environmental Impact Review Division of the Department at 887-2904 for details.

JLP:sp

JABLON/S/TXTSBR

RECEIVED
JUL 14 1992
ZONING OFFICE

6703-92
JUN 25 1992

Baltimore County Government
Fire Department

700 East Joppa Road, Suite 901
Towson, MD 21204-5500

(410) 887-4500

Arnold Jablon
Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: FRANCIS D. MULL AND M. MULL
Location: NO ADDRESS
Item No.: 526 (JLL) Zoning Agenda: JUNE 29, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *Carl J. ...* Noted and Approved
Planning & Zoning Division Fire Prevention Bureau

JP/KEK

RECEIVED
JUN 29 1992
ZONING OFFICE

6703-92
JUN 25 1992

Department of Recreation and Parks
Development Review Committee Response

Authorized Signatory: *Walter K...*

Project Name: *Site B. and Edward R. Raab, Jr.*
File Number: *514*
Comments: *No Comment*

Project Name: *Jeffrey & Deanna L. Deegan*
File Number: *523*
Comments: *No Comment*

Project Name: *Charles M. and Virginia H. Loane*
File Number: *524*
Comments: *No Comment*

Project Name: *Herschel and Ruth Polakoff*
File Number: *525*
Comments: *No Comment*

Project Name: *Francis D. Mull*
File Number: *526*
Comments: *No Comment*

Project Name: *RMS Nominee, Inc.*
File Number: *527*
Comments: *No Comment*

Project Name: *Juanita L. Cottrell*
File Number: *529*
Comments: *No Comment*

Project Name: *The Middle River Baptist Church*
File Number: *530*
Comments: *No Comment*

Project Name: *Merritt E. and Joann K. Olsen*
File Number: *531*
Comments: *No Comment*

Project Name: *Michael J. and Eugenia G. Zavodny*
File Number: *532*
Comments: *No Comment*

Project Name: *Baltimore County - Southwestern Bell Mobile Systems*
File Number: *533*
Comments: *No Comment*

COUNT 11

6703-92
JUN 14 1992

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold E. Jablon, Director
Office of Zoning Administration and Development Management

FROM: J. James Dieter

SUBJECT: Petition for Zoning Variance - Item 526
Mull Property - Chesapeake Bay Critical Area Findings

DATE: August 13, 1992

SITE LOCATION

The subject property is located on Chesaco Avenue. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME Mr. and Mrs. Francis Mull

APPLICANT PROPOSAL

The applicant has requested a variance from section 1802.3.C1 of the Baltimore County Zoning Regulations to permit "a rear yard setback of 20 feet in lieu of the required 30 feet."

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

- "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
- Conserve fish, wildlife and plant habitat; and
- Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts." <COMAR 14.15.10.01.02>

REGULATIONS AND FINDINGS

Regulation:

"(b) All roads, bridges, and utilities that must cross a Habitat Protection Area shall be located, designed, constructed, and maintained so as to provide maximum erosion protection and minimize

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Mr. Arnold E. Jablon
August 13, 1992
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negative impacts to wildlife, aquatic life and their habitats and maintain hydrologic processes and water quality. Roads, bridges, or utilities may not be located in any Habitat Protection Area unless no feasible alternative exists.

(c) All development activities that must cross or affect streams shall be designed to:

- Reduce increases in flood frequency and severity that are attributable to development;
- Retain tree canopy so as to maintain stream water temperature within normal variation;
- Provide a natural substrate for streambeds; and
- Minimize adverse water quality and quantity impacts of stormwater." <COMAR 14.15.04.C.1>

Findings:

This project proposes to construct a new single family dwelling with a 150 foot access driveway. The proposed house is located outside the Critical Area. However, the access driveway is mostly within the Critical Area and also crosses a stream. An alternatives analysis has been previously submitted and approved by the Department to allow the crossing of the stream. This design minimizes adverse impacts to the water quality of the stream and therefore meets the requirements outlined above. A planting plan is required for the stream buffer area and must be approved prior to release of the building permit.

CONCLUSION

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above. This proposal does comply with Chesapeake Bay Critical Area Regulations and is therefore approved. If there are any questions, please contact Ms. Patricia M. Farr at 887-2904.

JJD:SP:ju

c: Mr. and Mrs. Francis Mull

MULL/TXTNNS

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Baltimore County
Department of Environmental Protection & Resource Management
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
(301) 887-3783

Robert W. Sheesley
Director

June 28, 1990

Mr. Francis D. Mull
5405 Golden Ring Road
Baltimore, Maryland 21237

Re: Chesaco Park Lots - Mull Property - Variance Request

Dear Mr. Mull:

A request for a variance of the Executive Order Baltimore County, Maryland, Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains, was received by the Department of Environmental Protection and Resource Management on January 10, 1990. An addendum to that variance request was submitted on April 30, 1990.

The original request proposed a 20 to 50 foot forest buffer in lieu of the required 75 foot buffer and a zero setback in lieu of the required 35 foot setback. Mr. Rocky Powell of this Department met with you on April 18, 1990 to discuss that request. He explained that our Department could not support the variance request as submitted and suggested modifications. Subsequently, you submitted the addendum dated April 30, 1990.

This new request proposed that you will:

- Maintain a 50 foot forest buffer from the stream centerline, both sides, in which there will be no future disturbances.
- Maintain a 30 to 35 foot residential setback from the stream forest buffer in which there can be grading, mowing, etc. but no structure (house) is allowed.
- Relocate the proposed driveway crossing of the stream approximately 50 feet to the east from its original proposed location, where the stream appears to be at its shallowest, and the existing trees to be disturbed will be at a minimum.
- Locate the proposed utility crossings (water and sewer) of the stream at the driveway.
- Plant trees along the buffer as part of mitigation for the reduced buffer width.

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The revised plan submitted with this addendum reflects the conditions outlined above.

This Department will grant the variance with the above outlined conditions as requirements of that approval.

We are aware that to meet these requirements necessitates a request of zoning variances for setback requirements for both proposed dwellings. It is our determination that the conditions outlined are the minimum acceptable to this Department and must be met for approval of the variance from the forest buffer standards. Therefore, this letter constitutes our support of the request for zoning variances that will allow you to meet these conditions.

If you have any questions regarding this variance request, please contact Mr. Rocky Powell at 887-3980.

Very truly yours,
Robert W. Sheesley
Robert W. Sheesley
Director

RWS:ROP:tjg

92-496A 426

This Deed Made this 10th day of December in the year one thousand nine hundred and thirty by and between Cityco Realty Company of Baltimore City a body corporate of Baltimore City in the State of Maryland hereinafter called the Grantor and Union Trust Company of Maryland a body corporate of the State of Maryland hereinafter called the Grantee

Witnesseth that in consideration of the sum of five dollars (\$5.00) and other valuable considerations this day paid the receipt whereof is hereby acknowledged the Grantor does hereby grant and convey unto the Grantee its successors and assigns all those fourteen lots of ground situate lying and being southeast of Chesaco Ave and southwest and northeast of Chester Ave in the Fifteenth Election District of Baltimore County Maryland and being lots numbers 409-409-10-411-475-476-477-478-479-480-481-482-483 and 595 as laid out on the plat of Chesaco Park Plan D Sheet 1 and recorded among the Land Records of Baltimore County in plat book W.P.C. 6 folio 164

Together with all and every the rights appurtenant to the said lots and the appurtenances to the same belonging or in anywise appertaining

To have and to hold the said parcels of ground and premises above described and mentioned and hereby intended to be conveyed unto and to the proper use and benefit of the said Union Trust Company of Maryland its successors and assigns forever all the residue of the term of years yet to come and unexpired therein with the benefit of renewal forever free clear and discharged from the payment of any rent by virtue of the deed from the Baltimore & Ohio Railroad Company to Clayton M. Kierich dated the 3rd day of December 1893 and recorded among the Land Records of Baltimore County in Liber L.M.B. No. 200 folio 595 subject to the restrictions hereinafter mentioned

All as outlined in red upon the blue print dated November 13 1930 attached hereto and made part hereof

Together with the right to erect and maintain electrical transmission lines on the aforesaid parcels of land and over the southwesterly corners of lots numbers 412-474 and 104 as laid out on the above mentioned plat of Chesaco Park including the necessary towers structures wires cables attachments appliances and ground wire counterpoises beneath the surface of the land and the right to enter upon the said parcels of land using existing roads on adjoining property of the Grantor for the purpose of construction patrol repair and maintenance work connected with the transmission lines and also the right to cut down and remove and keep out all trees and brush upon the Grantee's property adjoining the said parcels of land which might at any time interfere with or be liable to interfere with or fall upon the transmission lines the said southwesterly corners of lots numbers 412-474 and 104 being outlined in yellow and designated A B and C on blue print dated November 13 1930 attached hereto and made part hereof

The southwesterly corners of the above described lots numbers 412-474 and 484 may be used by the Grantee its successors or assigns in any manner which does not interfere with the transmission lines and the proper maintenance thereof but no buildings or structures of any kind are to be erected within the above described portions of said three parcels

And the said Grantor hereby covenants that it has not done or suffered to be done any act matter or thing whatsoever to encumber the property hereby conveyed that it will warrant specially the property granted and that it will execute such further assurances of the same as may be requisite

92-496A 426

This Deed Made this 10th day of December in the year one thousand nine hundred and thirty by and between Charles I. Trovinger and Avia E. Trovinger, his wife of Baltimore County in the State of Maryland, of the first part and Francis Dean Mull and Patricia May Mull, his wife of Baltimore County in the State of Maryland, of the second part

Witnesseth, that in consideration of the sum of Five (\$5.00) dollars and other good and valuable considerations the said Charles I. Trovinger and Avia E. Trovinger, his wife do grant and convey unto the said Francis Dean Mull and Patricia May Mull, his wife as tenants by the entirety, their heirs and assigns, in fee simple, all those lot of the ground, situate, lying and being in Baltimore County, aforesaid, and described as follows, that is to say:-

Beginning and Extent:

BEING and comprising all those six lots of ground, shown and designated as Lots Nos. 484, 485, 486, 487, 489, and 490 as laid out on Sheet No. One, Plan D, of Chesaco Park, recorded among the Land Records of Baltimore County in Liber W.P.C. No. 6, folio 164.

Lot No. 484 hereinafter mentioned being subject to an Easement from Cityco Realty Company of Baltimore City to The Union Trust Company of Baltimore City, as set forth in the Deed, dated December 11, 1930, Liber L.M.B.M. No. 866 folio 168, granting the right to erect and maintain Electrical Transmission Lines over the northwesterly corner of said Lot.

BEING part of the land described in a Deed dated June 23, 1949 and recorded among the Land Records of Baltimore County in Liber W.B.S. No. 1751 folio 510 which was granted and conveyed by John A. Irvin and Marie Irvin, his wife, unto the herein grantors.

